



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/803,124

Filed: 03/16/2004

Inventor: D'Auvergne

Docket No.: 4359

Group Art Unit: 3644

Examiner: Eldred

For: SPACECRAFT AND LAUNCH SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO F.R.C.P. §1.181**

This Petition is respectfully submitted to withdraw a holding of abandonment of the above identified application.

On August 24, 2006, the PTO issued a "Notice of Abandonment", stating that the application was abandoned in view of:

"Application's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

"The issue fee and publication fee, if applicable, was received on 05/02/06 (with a Certificate of Mailing or Transmission dated 05/02/06), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85."

This Notice of Abandonment was obviously sent out in error for the following reasons:

1. On January 3, 2006, the PTO issued a "Notice of Allowance and Issue Fee Due" with the standard three month statutory period for payment, i.e., by April 3, 2006.

2. As admitted by the PTO, the issue fee was paid by the undersigned and was received by the PTO on May 2, 2006, within the fourth month from the January 3, 2006 mailing date of the Notice of Allowance.

3. Because payment was made during the fourth month, applicant paid the \$700 issue fee, the \$300 publication fee, and the \$60 one-month extension fee (check for \$1,060), accompanied by a Petition for Extension of Time under C.F.R. 1.136(a) and a Fee transmittal form.

Copies of all the above material, including the United States Post Office Express mail receipt dated May 2, 2006 are enclosed, as well as a postcard acknowledgment dated May 2, 2006 from the United States Patent and Trademark Office.


From this material, it is clear that Applicant timely paid the issue fee and that the Patent Office not only received the documents, but acknowledge such receipt by stamping the postcard.

It is accordingly requested that this application be reinstated and that a patent be promptly issued.

If, for any reason, this Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137 (a) or (b) and any charges or fees in connection with the same may be charged to applicant's attorney's account in the United States Patent Office, No. 26-0265.

Dated: September 19, 2006

Respectfully submitted,


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